

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

WASHINGTON HARBOUR, SUITE 400

3050 K STREET, NW

WASHINGTON, D.C. 20007-5108

(202) 342-8400

NEW YORK, NY

TYSONS CORNER, VA

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES

MUMBAI, INDIA

FACSIMILE

(202) 342-8451

www.kelleydrye.com

DIRECT LINE: (202) 342-8625

EMAIL: bfreedson@kelleydrye.com

July 5, 2007

VIA ELECTRONIC FILING

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WC Docket No. 07-97: In the Matter of the Petitions of Qwest Corporation
for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Denver, Minneapolis-
St. Paul, Phoenix and Seattle Metropolitan Statistical Areas

Dear Ms. Dortch:

Covad Communications Group, NuVox Communications and XO Communications, LLC
hereby submit their Comments in support of the Request of the Arizona Corporation Commission for
Extension of Time to File Comments and Reply Comments on Qwest's Petitions for Forbearance.
Please feel free to contact the undersigned counsel at (202) 342-8625, if you have any questions or
require further information.

Respectfully submitted,



Brett Heather Freedson

*Counsel to Covad Communications Group, NuVox
Communications and XO Communications, LLC*

cc (via email): Christi Shewman
Jeremy Miller
Tim Stelzig
Denise Coca

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of Petition of Qwest)
Corporation for Forbearance Pursuant to 47)
U.S.C. § 160(c) in the Denver, Minneapolis-) WC Docket No. 07-97
St. Paul, Phoenix, and Seattle Metropolitan)
Statistical Areas)
)

**COMMENTS OF COVAD COMMUNICATIONS GROUP,
NUVOX COMMUNICATIONS, AND XO COMMUNICATIONS, LLC
IN SUPPORT OF REQUEST FOR EXTENSION OF TIME**

Covad Communications Group, NuVox Communications, and XO

Communications, LLC, by their attorneys, hereby file in support of the Arizona Corporation
Commission's June 28, 2007 Request for Extension of Time to File Comments and Reply
Comments on Qwest's Petition for Forbearance (*Extension Request*).¹ The Arizona Corporation
Commission requests that the Commission grant interested parties an additional 45 days to file
comments, with a corresponding extension of time to file reply comments, on the petitions filed
by Qwest Corporation ("Qwest") on April 27, 2007, pursuant to Section 10 of the
Communications Act of 1934, as amended,² requesting that the Commission forbear from
applying to Qwest certain obligations in the Denver, Minneapolis-St. Paul, Phoenix, and Seattle
Metropolitan Statistical Areas ("MSAs").³

¹ *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Denver, Minneapolis-St. Paul, Phoenix and Seattle Metropolitan Statistical Areas*, WC Docket No. 97-07, Request for Extension of Time of the Arizona Corporation Commission to File Comments and Reply Comments on Qwest's Petition for Forbearance (filed Jun. 28, 2007) (*Extension Request*).

² See 47 U.S.C. § 160.

³ Qwest requests forbearance from the loop and transport unbundling regulations contained in Sections 251(c)(3) and 271(c)(2)(B)(ii). Qwest also seeks forbearance from the dominant carrier tariff requirements set forth in Part 61 of the Commission's rules, from

According to the Arizona Corporation Commission, the additional time is needed to enable Arizona regulators to obtain and analyze relevant data from Qwest and competitive carriers and to prepare meaningful comments incorporating that data.⁴ The Arizona Corporation Commission states further that “other parties both in Arizona and in the other jurisdictions in which Qwest seeks forbearance authority, will benefit from the additional time as well.”⁵

The input being prepared by the Arizona Corporation Commission is critical to the Commission’s analysis of the Qwest forbearance Petitions. In particular, the specific evidence regarding the state of competition in Arizona being compiled by the Arizona Commission is the type of information that should form the foundation of any determination of whether the forbearance is warranted. It therefore clearly is in the public interest for the Commission to take whatever steps are necessary to facilitate the preparation of such input. At the same time, no party would be prejudiced by a 45-day extension of time for the filing of comments and reply comments. Sufficient time would remain in the statutory period set aside by Congress for the disposition of forbearance petitions for all interested parties to participate fully

price cap regulations set forth in Part 61 of the Commission’s rules, from the Computer III requirements, including Comparably Efficient Interconnection (“CEI”) and Open Network Architecture (“ONA”) requirements, and from dominant carrier requirements arising under Section 214 of the Act and Part 63 of the Commission’s rule concerning the process for acquiring lines, discontinuing services, making assignments or transfers of control. See *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Denver, Colorado Metropolitan Statistical Area*, WC Docket No. 07-97 (filed Apr. 27, 2007), at 3-4 (“*Qwest Petition – Denver*”); *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Minneapolis-St. Paul, Minnesota Metropolitan Statistical Area*, WC Docket No. 07-97 (filed Apr. 27, 2007), at 3-4 (“*Qwest Petition – Minneapolis*”); *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix, Arizona Metropolitan Statistical Area*, WC Docket No. 07-97 (filed Apr. 27, 2007), at 3-4 (“*Qwest Petition – Phoenix*”); *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Seattle, Washington Metropolitan Statistical Area*, WC Docket No. 07-97 (filed Apr. 27, 2007), at 3-4 (“*Qwest Petition – Seattle*”).

⁴ *Extension Request*, at 2.


⁵ *Id.*, at 3.

in the docket and for the Commission to engage in reasoned decision-making, including the issuance of a written decision.

For the foregoing reasons, the Arizona Corporation Commission's *Extension Request* should be granted.

Respectfully submitted,

COVAD COMMUNICATIONS GROUP
NUVOX COMMUNICATIONS
XO COMMUNICATIONS, LLC

By: 
Brad Mutschelknaus
Genevieve Morelli
Thomas Cohen
KELLEY DRYE & WARREN LLP
WASHINGTON HARBOUR
3050 K STREET, NW, SUITE 400
WASHINGTON, DC 20007
202-342-8400 (PHONE)
202-342-8451 (FACSIMILE)

Their Attorneys

July 5, 2007